

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTOR HOTH0 and AYAKO MITSUI, :
individually and as parents and natural :
guardians of infant, ALYN HOTH0 :

Plaintiffs

v.

EDWARD F. ROSSI, M.D. :
and :
PEDIATRICS EAST OF NEW YORK, P.C. :

Defendants

CIVIL ACTION NO: 05-CV-2609

**PLAINTIFFS' MOTION FOR COURT APPROVAL
OF INFANT'S COMPROMISE**

Plaintiffs, Victor Hotho and Ayako Mitsui, individually and as parents and natural guardians of infant, Alyn hotho, by and through their attorneys, Layser & Freiwald, P.C. and the Locks Law Firm, hereby bring this Motion for Approval of an Infant's Compromise and in support thereof state as follows:

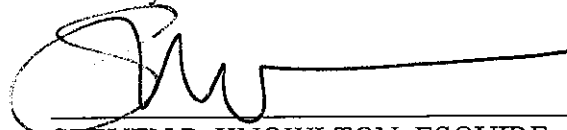
1. This is a medical negligence action arising out of the negligence of defendants Edward F. Rossi, M.D. and Pediatrics East of New York, P.C.
2. Plaintiffs and defendants have reached a settlement agreement in the amount of \$492,500.00.
3. Plaintiffs bring this Motion for Court Approval of the Infant's settlement and in support thereof attach Affidavits of Victor Hotho and Ayako Mitsui as well as an Affidavit of their attorney, Patricia M. Giordano, Esquire, upon which they rely in making this motion.
4. Plaintiffs also attach a proposed Infant's Compromise Order.

WHEREFORE, plaintiffs, Victor Hotho and Ayako Mitsui, individually and as parents and natural guardians of infant, Alyn Hotho, respectfully request that this Honorable Court hereby approve this settlement on behalf of infant, Alyn Hotho.

Respectfully submitted,



PATRICIA M. GIORDANO, ESQUIRE
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Attorneys for Plaintiffs



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LOCKS LAW FIRM,
110 E. 55th Street
New York, NY 10022
Attorneys for Plaintiffs

Dated:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTOR HOTHOTH and AYAKO MITSUI, :
individually and as parents and natural :
guardians of infant, ALYN HOTHOTH :
:

Plaintiffs :

v. :

CIVIL ACTION NO: 05-CV-2609

EDWARD F. ROSSI, M.D. :
and :
PEDIATRICS EAST OF NEW YORK, P.C. :

Defendants :

INFANT'S COMPROMISE ORDER

Upon consideration of Plaintiffs' Motion for Court Approval of Infant's Compromise, it is hereby ORDERED, this _____ day of _____, 2007 as follows:

- 1) The total settlement of \$492,500.00 between the parties is hereby APPROVED.
- 2) It is further ORDERED that the following deduction shall be made from the gross settlement and paid by the defendant in separate drafts as follows:
 - (a) \$169,653.63 to be paid to Layser & Freiwald, P.C. consisting of:
 - (I) \$45,371.50 for actual disbursements, costs and expenses; and
 - (ii) \$124,282.13 for attorneys' fees.
 - (b) \$12,683.90 to be paid to Victor Hothoth and Ayako Mitsui, consisting of:
 - (I) \$10,340.30 for actual out-of-pocket expenses paid by them on their daughter's behalf as a result of defendants' negligence; and
 - (ii) \$2,343.60 for travel expenses related to defendants' negligence.

- 3) It is further ORDERED that the remaining monies, \$310,162.47 be to be paid directly be the defendants or their insurer to Alyn Mitsui Hotho, in equal amounts, to be deposited in equal amounts in four separate bank accounts established in the name of Alyn Mitsui Hotho at Velocity Credit Unit, Main Branch, 610 E. 11th Street, Austin, TX 78701. Proof of deposit to be made to this Court within thirty (30) days of the date of this Order.

BY THE COURT:

J.